

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KELLY TENHARMSEL,

Plaintiff,

v.

Case No. 13-13078

COMMISSIONER OF SOCIAL
SECURITY,

HON. TERRENCE G. BERG
HON. R. STEVEN WHALEN

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 11)

This matter is before the Court on Magistrate Judge R. Steven Whalen's August 11, 2014 Report and Recommendation (Dkt. 11), recommending that Plaintiff's motion for summary judgment be DENIED, that Defendant's motion for summary judgment be GRANTED, and that the findings and conclusions of the Commissioner be AFFIRMED.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will,

therefore, accept the Magistrate's Report and Recommendation of August 11, 2014, as this Court's findings of fact and conclusions of law.¹

Accordingly, it is hereby **ORDERED** that Magistrate Judge Whalen's Report and Recommendation of August 11, 2014 (Dkt. 11) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Plaintiff's motion for summary judgment (Dkt. 8) is **DENIED**, Defendant's motion for summary judgment (Dkt. 10) is **GRANTED**, and the findings and conclusions of the Commissioner are **AFFIRMED**.

SO ORDERED.

Dated: September 15, 2014

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on September 15, 2014, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager

¹ The Court only modifies the following, minor, typographical error. At the bottom of page 2, Magistrate Judge Whalen states "Plaintiff's right rotator cuff injuries were sustained in a workplace fall in May, 2009 (Tr. 49)." The correct month should be May 2008, not May 2009.